

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

&

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 32325 of 2007(W)

PETITIONER:

THARIYAN IYPE, AGED 59 YEARS,
S/O.LATE IDICHERIA THARIYAN,
VENGEL THERUVATTAL, CHATHENKARY MURI,
PERINGARA VILLAGE, THIRUVALLA TALUK.

BY ADV. SRI.JOSEPH GEORGE

RESPONDENTS:

1. THE ACCOMMODATION CONTROLLER,
(TAHSILDAR), TALUK OFFICE, THIRUVALLA.
2. FEBY KOSHY, AGED ABOUT 40 YEARS,
S/O.M.M.KOSHY, MANAKUZHIYIL, THADIYOOR P.O.,
THELLIYOOR VILLAGE.
3. MR.M.M.KOSHY, AGED ABOUT 78 YEARS,
MANAKUZHIYIL, THADIYOOR P.O.,
THELLIYOOR VILLAGE.

BY Government Pleader MR.R.LAKSHMI NARAYAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.BALAKRISHNAN NAIR & K.P.BALACHANDRAN, JJ.

Writ Petition (C) No.32325 of 2007-W

Judgment

Balakrishnan Nair, J.

The petitioner is a tenant under respondents 2 and 3. The power supply to his room has been severed by the landlord, it is submitted. So, he moved the Accommodation Controller and the said Officer as passed Ext.P1 order to restore the power supply. When the landlord did not obey the said order, Ext.P2 application was filed for implementing that order on 23.10.2007. Thereafter, this Writ Petition is filed on 30.10.2007, praying for a direction to the 1st respondent to implement Ext.P1 forthwith. We notice that Ext.P1 is only an interim order. After hearing the other side, the possibility of the said order being modified or vacated, cannot be ruled out. Now, if we order to implement Ext.P1, the right of the landlord for moving to vacate the order will be lost. Further, it is too early to accuse the Accommodation Controller that he has failed to dispose of Ext.P2, which is filed only on 23.10.2007. In view of the above position, at present, no orders are necessary in this Writ Petition, which is filed on 30.10.2007 and it is closed without prejudice to the contentions of the petitioner.

Sd/-K.BALAKRISHNAN NAIR,JUDGE

26.11.2007

Sd/-K.P.BALACHANDRAN, JUDGE

True copy

PA TO JUDGE

